

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 23-43368

KONECCA LATRESE ROBINSON,  
*pro se,*

Chapter 7

Judge Thomas J. Tucker

Debtor.

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**ORDER DISMISSING CASE**

The Debtor in this case, Konecca LaTrese Robinson, filed this Chapter 7 case on April 12, 2023. The Court concludes that this case must be dismissed, however, because the Debtor has a prior-filed Chapter 13 bankruptcy case that is still open and pending in this Court.

On November 24, 2021, the Debtor filed a voluntary petition for relief under Chapter 13, commencing Case No. 21-49217 (the “Chapter 13 Case”). The proceedings in the Chapter 13 Case include the following. On May 14, 2022, the Court entered an Order Confirming the Debtor’s Chapter 13 Plan (Docket # 36 in Case No. 21-49217). On March 22, 2023, the Chapter 13 Trustee filed a motion to dismiss the Chapter 13 case because of the Debtor’s failure to make payments under her Chapter 13 Plan (Docket # 40 in Case No. 21-49217, the “Dismissal Motion”). So far, no one has filed any objections or other responses to the Dismissal Motion. The deadline for doing so is Monday, April 17, 2023. Meanwhile, the Chapter 13 case remains pending.

Despite the fact that the Debtor’s prior Chapter 13 Case remains pending, on April 12, 2023, the Debtor filed a voluntary petition for relief under Chapter 7, commencing this new case.

The Court will dismiss this case, because as a general rule, which the Court finds applicable here, a debtor may not have two bankruptcy cases pending at the same time. *See In re*

*Wood*, 649 B.R. 27, 29 (Bankr. E.D. Mich. 2023); *In re Munroe*, 568 B.R. 631, 633-34 (Bankr. E.D. Mich. 2017) (citing *In re Sidebottom*, 430 F.3d 893, 897–99 (7th Cir. 2005) and *In re Lord*, 295 B.R. 16, 17–21 (Bankr. E.D.N.Y. 2003)) (“[T]he majority rule, which this Court agrees with, is that a debtor may not have two bankruptcy cases pending at the same time.”).

For this reason, the Court will dismiss this case, which is the second-filed of the two cases.

IT IS ORDERED that this case is dismissed.

**Signed on April 12, 2023**



/s/ **Thomas J. Tucker**

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**Thomas J. Tucker**  
**United States Bankruptcy Judge**